

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL No. 2:09-CR-56-DBH-02
)	
SEAN McKOY,)	
)	
DEFENDANT)	

ORDER ON DEFENDANT’S MOTION TO REDUCE SENTENCE

The defendant Sean McKoy filed a letter seeking a sentence reduction. I treat it as a request reduce sentence on account of the U.S. Sentencing Commission’s reduction of Guideline sentencing penalties that are based upon drug quantity, Amendment 782. The Commission ordered that the change be made applicable to defendants already sentenced, effective November 1, 2014. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

At sentencing, McKoy was found responsible for 2,217 kilograms of marijuana, which resulted in a base offense level of 32. He then received a 2-level increase for possession of firearms and a 3-level reduction for acceptance of responsibility, resulting in a total offense level of 31. His Criminal History was Category I, and his guideline range was 108 to 135 months. However, that range was adjusted to 120 to 135 months because a 10-year statutory mandatory minimum applied. McKoy received a sentence of 120 months.

The new Guideline drug calculations reduce McKoy's base offense level to 30 and his total offense level to 29. The new Guideline range is 87 to 108 months. But as before, his range must be adjusted upward to 120 months, due to the statutory mandatory minimum. Accordingly, McKoy is not eligible for any further reduction because he already received the lowest sentence available under the statute, 120 months.

The motion to reduce sentence is **DENIED**.

SO ORDERED.

DATED THIS 4TH DAY OF DECEMBER, 2014

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE